



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Herbert Baumann
DOCKET NO.: 14-03675.001-R-2
PARCEL NO.: 07-07-351-018

The parties of record before the Property Tax Appeal Board are Herbert Baumann, the appellant, by attorney Thomas W. Kelty, of Kelty Law Offices, in Springfield, and the Williamson County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds A Reduction in the assessment of the property as established by the **Williamson** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$32,650
IMPR.: \$120,291
TOTAL: \$152,941

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a 2013 Final Administrative Decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) in order to challenge the assessment for the 2014 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this 2014 tax year appeal.

Findings of Fact

The subject property consists of a commercial property located in Marion, Marion Township, Williamson County.

The appellant submitted evidence before the Property Tax Appeal Board claiming the subject's assessment was not reflective of market value.¹ In support of the overvaluation argument, the appellant's counsel completed Section IV of the Residential Appeal petition disclosing the subject property was purchased in August 2011 for \$400,000. The appeal petition indicated the sale was not between related parties and the property was advertised for sale in the open market for six months through the Multiple Listing Service and "broker network." The appellant did not

¹ The bases of the appeal marked in Section 2d were "recent sale" and "assessment equity," but there was no equity data submitted by the appellant. The overvaluation evidence of the appellant will be addressed on this record.

submit any supporting documentation associated with the sale of the subject property such as a Real Estate Transfer Declaration, settlement statement or sales contract.

In further support of the overvaluation claim, the appellant through counsel submitted an appraisal estimating the subject property had a market value of \$466,000 as of October 19, 2011. The appraiser developed the income approach to value in arriving at the final opinion of value. Page 4 of the appraisal indicated the subject's sale in August 2011 was not advertised for sale and the sale may be slightly below market value.

The appellant reported the subject's final 2014 assessment was \$365,150. The subject's 2014 total assessment reflects an estimated market value of \$1,112,584 when applying Williamson County's 2014 three-year average median level of assessment of 32.82%.

Based on this evidence, the appellant requested the subject's assessment be reduced to \$152,429 which would reflect a market value of approximately \$457,333 at the statutory level of assessment of 33.33%.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessment of the subject property as required by section 1910.40(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.40(a)). Therefore, the board of review was found to be in default by letter issued on November 4, 2016 pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.69(a)).

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board gave less weight to the subject's sale price of \$400,000. Section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

The Property Tax Appeal Board finds the subject's sale does not meet one of the key fundamental requirements to be considered an arm's-length transaction. The Board finds the appraisal (Page 4) submitted by the appellant indicated the subject property was not advertised or exposed for sale in the open market to be considered an arm's-length transaction reflective of market value, contrary to the appeal petition. The Board finds the subject's sale was not in the due course of business and trade. The general public did not have the same opportunity as the appellant to purchase the subject property at any negotiated sale price. Furthermore, the

appellant failed to submit corroborating evidence associated with the sale of the subject property such as a Real Estate Transfer Declaration, settlement statement or sales contract.

The Board finds the best evidence of market value contained in this record is the appraisal submitted by the appellant estimating the subject property had a market value of \$466,000 as of October 19, 2011.² The subject's reported 2014 assessment reflects a market value of \$1,112,584, which is greater than the appraised value as submitted by the appellant. The board of review did not submit any evidence in support of its assessment of the subject property or refute the value evidence submitted by the appellant. (86 Ill.Admin.Code §1910.40(a)). As a result, the board of review was found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. (86 Ill.Admin.Code §1910.69(a)). Based on this evidence, the Board finds a reduction in the subject's assessment is warranted. Since market value has been established, Williamson County's 2014 three-year average median level of assessment of 32.82% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

² The Property Tax Appeal Board recognizes that the appraisal is somewhat dated in relation to the subject's January 1, 2014 assessment date, but the appraisal is the only reliable evidence of value contained in this record given the default of the Williamson County Board of Review.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Acting Member

Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: November 21, 2017



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

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